

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 WADE B. COOK,

9 Petitioner,

10 v.

11 UNITED STATES OF AMERICA,

12 Respondent.  
13

NO. C09-509Z

ORDER

14 THIS MATTER comes before the Court on petitioner's motion for a certificate of  
15 appealability, docket no. 23. A certificate of appealability may issue only when "the  
16 applicant has made a substantial showing of a denial of a constitutional right." 28 U.S.C.  
17 § 2253(c)(2). For the reasons stated in Magistrate Judge Mary Alice Theiler's Report and  
18 Recommendation, docket no. 17, the Court concludes that petitioner has failed to make a  
19 substantial showing of a denial of a constitutional right. Accordingly, petitioner's motion for  
20 a certificate of appealability is hereby DENIED.

21 IT IS SO ORDERED.

22 DATED this 8th day of December, 2009.  
23

24 s\ Thomas S. Zilly

25 THOMAS S. ZILLY  
26 UNITED STATES DISTRICT JUDGE